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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
AURORA MARITIME INC.,

Plaintiff,

- against -

ANTARES TRANSPORT GmbH,

Defendant.
-----X

ANTARES TRANSPORT GmbH,

Third-Party Plaintiff,

- against -

MASTROGIORGIS SHIPPING CO.,

Third-Party Defendant,
-----X

08 CV 6297 (SHS)

ECF CASE

**ORDER DIRECTING GARNISHEE BANKS TO PAY ATTACHED
FUNDS INTO THE REGISTRY OF THE DISTRICT COURT**

WHEREAS, on or about July 11, 2008, the Plaintiff, AURORA MARITIME INC. ("Plaintiff") sought and obtained an Ex Parte Order of Maritime Attachment against Defendant, ANTARES TRANSPORT GmbH ("Defendant") in the amount of \$91,172.06; and

WHEREAS, on or about September 12, 2008, garnishee Deutsche Bank, acting pursuant to the July 11, 2008 Ex Parte Order of Maritime Attachment and Garnishment and accompanying Writ of Attachment, restrained and attached Defendant's property in the approximate amount of \$72,756.96; and

WHEREAS, on or about October 22, 2008, garnishee American Express Bank, acting pursuant to the July 11, 2008 Ex Parte Order of Maritime Attachment and Garnishment and

accompanying Writ of Attachment, restrained and attached Defendant's property in the approximate amount of \$18,415.10; and

WHEREAS, on or about October 7, 2008, the Defendant-Third Party Plaintiff, ANTARES TRANSPORT GmbH ("Third-Party Plaintiff") sought and obtained an Ex Parte Order of Maritime Attachment against Third-Party Defendant, MASTROGIORGIS SHIPPIN CO. ("Third-Party Defendant") in the amount of \$36,950.11; and

WHEREAS, on or about November 14, 2008, garnishee HSBC Bank USA, acting pursuant to the October 7, 2008 Ex Parte Order of Maritime Attachment and Garnishment and accompanying Writ of Attachment, restrained and attached Third-Party Defendant's property in the approximate amount of \$36,950.11; and

WHEREAS, on or about March 5, 2009, this Court So Ordered a Stipulation for Release of Funds that instructed:

(a) garnishee Deutsche Bank to release \$50,447.00 of Defendant's funds thereby leaving an approximate balance of \$22,309.96 under continued restraint; and

(b) garnishee HSBC Bank USA to release \$25,968.94 of Third-Party Defendant's funds thereby leaving an approximate balance of \$10,981.17 under continued restraint; and

WHEREAS, on or about June 9, 2009, this Court ordered that all remaining funds attached by the garnishee banks pursuant to the Ex Parte Orders of Maritime Attachment and Garnishment issued in this matter be transferred either to escrow account(s) to be established by the parties or into the Registry of the Court, Interest Bearing Account; and

WHEREAS, Plaintiff and Defendant now seek an order directing the garnishee banks to pay the attached funds into the Registry of the Court; and

WHEREAS, Plaintiff and Defendant also seek an order that the attached funds, on receipt into the Registry of the Court, should be transferred by the Clerk to the Court Registry Investment System, Interest Bearing Account pending further order of the Court;

IT IS HEREBY ORDERED that:

1. Pursuant to Rule B(3)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, the attached funds of the Defendant, presently under restraint at American Express Bank in the total amount of \$18,415.10, and the further attached funds of the Defendant presently under restraint at Deutsche Bank in the total amount of \$22,309.96, and the attached funds of the Third-Party Defendant, presently under restraint at HSBC Bank USA in the total amount of \$10,981.17, are hereby ordered to be transferred by the garnishee banks and deposited in the Court Registry of the United States District Court for the Southern District of New York.

Said transfer is to be accomplished by electronic funds transfer, referencing this case name and number and the amount restrained, to the Clerk of the Court, United States District Court for the Southern District of New York, at U.S. Treasury, ABA Routing #021030004, Agency Locator #4654; and

2. Upon receipt of the aforementioned deposits, the Clerk of the Court, as soon as his office allows, shall prepare the necessary forms for the purpose of placing said funds into the Court Registry Investment System, Interest Bearing Account; and

3. The Clerk shall deduct from the income earned on the investment by the deposited amounts a fee not to exceeding that authorized by the Judicial Conference of the United States and set by the Director of Administrative Office, whenever such income becomes

available for deduction from the investment so held without further order of this Court being required; and

4. Statements of interest earned on the deposited funds shall be provided to counsel for the parties periodically, in accordance with the usual practice applicable to the deposit of such sums; and

5. The funds on deposit, together with all accumulated interest, less any authorized registry fees ("available funds"), shall be disbursed in whole or in part as follows:

- A. In accordance with the terms of a joint stipulation submitted by the parties requesting disbursement of part or all of the available funds; or
- B. In accordance with the voluntary reduction of Plaintiff's or Third-Party Plaintiff's claim; or
- C. In accordance with any final judgment or award rendered by any Court or arbitration panel of competent jurisdiction, after the exhaustion of any and all appeals or the time in which a party may apply to vacate, modify, or correct the award has elapsed without action; or
- D. In accordance with any decision or order of this Honorable Court; and

6. To the extent that after disbursement of the funds in accordance with Paragraph 5 above, if any further funds remain on deposit in the Registry of the Court, such further funds shall be disbursed in accordance with the joint stipulation of the parties or on motion to this Court; and

7. Upon entry of this Order, Plaintiff's counsel shall serve a signed copy of this Order on a Financial Deputy in the Cashier's Office in Room 120; and

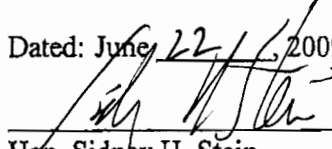
8. The garnishee banks shall have discharged their obligations as garnishee in this action upon receipt of the Attached Funds into the Registry of the Court; and

9. In all other respects, the attached funds, including all interest earned thereon up to and including the date of withdrawal, shall be held pending further order of this Court; and

10. Upon receipt of the attached funds into the Registry of the Court and further transfer to the Clerk of the Court Registry Investment System, Interest Bearing Account, this case shall be dismissed without prejudice, and, upon request by either party, the case will be reopened for the purpose of any necessary proceeding to enforce any judgment or arbitration award rendered in connection with any judgment or award rendered by any Court or arbitration panel of competent jurisdiction, after the exhaustion of any and all appeals or the time in which a party may apply to vacate, modify, or correct the award has elapsed without action; and

11. This action shall be dismissed subject to being re-opened upon letter application of either party, or any interested party, for further necessary proceedings herein.

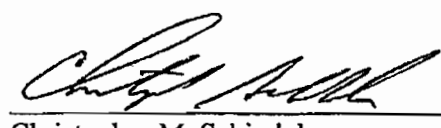
Dated: June 22, 2009


Hon. Sidney H. Stein
United States District Judge

We consent to the following Order:


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